

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

FEB 28 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Assessment and Collection )  
of Regulatory Fees for )  
Fiscal Year 1995. )

MD Docket No. 95-3

DOCKET FILE COPY ORIGINAL

**JOINT REPLY COMMENTS OF ALLTEL MOBILE CORPORATION  
AND ALLTEL SERVICES CORPORATION**

ALLTEL Mobile Corporation and ALLTEL Services Corporation (jointly "ALLTEL") respectfully submit their reply comments in the above-captioned rule making matter respecting the Commission's assessment and collection of regulatory fees for FY 1995.<sup>1</sup> In support thereof, the following is respectfully set forth.

**I. Cellular Services**

As a general proposition, the various industry groups and wireless carriers shared ALLTEL's concerns respecting the Commission's proposal to both impose a dramatic increase in regulatory fees and change the unit upon which such fees are to be calculated. Further, the majority of comments questioned, as did ALLTEL, the Commission's methodology in allocating the amount of the regulatory appropriation to be recovered from the various services within a particular bureau's jurisdiction.<sup>2</sup>

---

<sup>1</sup> In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1995, MD Docket No. 95-3, FCC 95-14 (Released January 12, 1995) (NPRM). The NPRM noted that comments in this proceeding were to be filed on February 13, 1995 and reply comments were to be filed on February 28, 1995.

<sup>2</sup> See, for example, the comments of Mobilemedia Communications, Inc., The Personal Communications Industry Association, AirTouch Paging, and GTE Services Corporation.

No. of Copies rec'd  
USABCDE

029

It is clear on the face of the statute that the Commission is empowered to collect fees from those subject to its jurisdiction in an amount that equals the Commission's regulatory appropriation for a given fiscal year. It is equally clear that it is incumbent upon the Commission to assess fees in a fair manner and one which reflects the level of regulation of the various services, including any new service which consumes the Commission's resources during the fiscal year. ALLTEL again notes the difficulty the Commission will experience in resolving these concerns in the absence of the adoption of the detailed accounting procedures which Section 9(i) of the Communications Act of 1934, as amended, requires and the need for which the Commission has previously noted.<sup>3</sup>

GTE<sup>4</sup> and others note that the Commission's proposal is ambiguous as to whether cellular carriers that also resell long distance services are to be subject to two fee payments based upon their status as both carrier and reseller. While there is some disagreement as to whether cellular resellers, on the one hand, and long distance resellers, on the other, should be subject to fees, ALLTEL believes that the Commission did not propose in the NPRM to subject facilities based cellular carriers to an additional fee based upon their resale of long distance service. Section G of the NPRM, in which the assessment of fees on long distance resellers was proposed, is entitled "Inter-exchange and Local Exchange Carriers,

---

<sup>3</sup> In the Matter of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 9 FCC Reg. 5333 (1994).

<sup>4</sup> See comments of GTE Service Corporation at pages 5-7.

Competitive Access Providers, Pay Telephone Providers and other non-mobile providers of interstate service (emphasis added). ALLTEL would strongly oppose the assessment of a second fee based upon long distance resale as "double counting".<sup>5</sup> Inasmuch as the balance of the NPRM is silent on the matter, the Commission should clarify its decision to explicitly state that mobile providers of resold long distance services will not be subject to an additional regulatory fee.

## II. Local Exchange Carriers

ALLTEL noted in its comments that, between the Commission's two proposed alternatives for assessing fees on local exchange carriers, (LECs) it preferred basing the fee on the number of presubscribed access lines. ALLTEL continues to oppose any methodology based upon minutes of use.

The vast majority of comments agree that minutes of use should be rejected as the basis for fee calculations.<sup>6</sup> Further, and although not specifically proposed by the Commission as an option in the NPRM, many comments expressed a preference for calculating

---

<sup>5</sup> The legislative intent of Section 9 is clear that where a facilities based carrier is charged a regulatory fee, any fee on a reseller should be assessed in a manner which does not result in a "double-counting" of the fee imposed on the reseller. See House Report 103-844, 103rd Cong. 2nd Session at 11.

<sup>6</sup> See, for example, the comments of Allnet Communication Services, Inc., Bell Atlantic, Sprint Corporation, MCI Telecommunications Corporation, U.S. West Communications, Inc. and AmeriTech. NYNEX is one notable exception and advocated the adoption of the minutes of use option.

LEC fees on the basis of interstate access revenues.<sup>7</sup>

In view of the level of industry support, ALLTEL endorses the use of interstate access revenues as the basis for fee assessment over an access line methodology. Use of revenues would permit the Commission to equitably capture fees on the basis of data which would be easily compiled by carriers in a manner analogous to that used for funding the Telecommunications Relay Service. ALLTEL further notes that comments supporting the use of a revenue-based fee calculation were filed by parties representing a wide cross-section of the communications industry, including competitive access providers, interexchange carriers, and local exchange carriers. The Commission should strongly consider adopting a methodology that has received such broad-based industry support.

February 28, 1995

Respectfully submitted,

ALLTEL Mobile Communications, Inc.  
ALLTEL Services Corporation

By: 

Glenn S. Rabin  
Federal Regulatory Counsel  
655 15th Street, N.W.  
Suite 220  
Washington, D.C. 20005  
(202) 783-3970

---

<sup>7</sup> See, for example, the comments of the National Exchange Carrier Association, Inc., Southwestern Bell Corporation, Teleport Communications Group, Inc., U.S. West Communications, Inc., MFS Communications Company, Inc. and AT&T Corp.

**CERTIFICATE OF SERVICE**

I, Susan F. Keesecker, do hereby certify that on this 28th day of February, 1995 I caused a true and accurate copy of the foregoing to be served, via first-class mail, postage prepaid to the attached list.

  
Susan F. Keesecker

Andrea D. Williams  
Staff Counsel  
Cellular Telecommunications  
Industry Association  
1250 Connecticut Ave., N.W.  
Suite 200  
Washington, D.C. 20036

Carl W. Northrop  
BRYAN CAVE  
700 13th St., N.W.  
Suite 700  
Washington, D.C. 20005

Jodie L. Donovan  
Senior Regulatory Counsel  
Teleport Communications Group  
Inc.  
Two Lafayette Centre,  
Suite 400  
Washington, D.C. 20036

Edward R. Wholl  
120 Bloomingdale Road  
White Plains, NY 10605

Andrew D. Lipman  
Jonathan E. Canis  
SWIDLER & BERLIN, Chartered  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

Frank M. Panek  
Attorney for Ameritech  
Room 4H84  
2000 West Ameritech Center Dr.  
Hoffman Estates, IL 60196

Susan W. Smith  
Director of External Affairs  
Century Cellunet, Inc.  
100 Century Park Drive  
Monroe, Louisiana 71203

William R. Fritsch, Jr.  
The Breeze  
P.O. Box 6888  
Lawton, OK 73506-0888

Donna C. Gregg  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Katherine M. Holden  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Mark J. Golden  
Vice-Pres. - Industry Affairs  
Personal Communications  
Industry Association  
1019 19th Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Mark A. Stachiw  
AIRTOUCH PAGING  
12221 Merit Drive  
Suite 800  
Dallas, Texas 75251

Jay C. Keithley  
Leon M. Kestenbaum  
1850 M Street, N.W.  
Suite 1100  
Washington, D.C. 20036

Kathryn Marie Krause  
Suite 700  
1020 19th Street, N.W.  
Washington, D.C. 20036

Charles C. Hunter  
Hunter & Mow, P.C.  
1620 I Street, N.W.  
Suite 701  
Washington, D.C. 20006

Andre J. Lachance  
1850 M Street, N.W.  
Suite 1200  
Washington, D.C. 20036

Philip V. Otero  
Alexander P. Humphrey  
GE American Communications,  
Inc.  
1750 Old Meadow Road  
McLean, Virginia 22102

Henry Goldberg  
GOLDBERG, GODLES, WIENER &  
WRIGHT  
1229 Nineteenth Street, N.W.  
Washington, D.C. 20036

Grover C. Cooper  
FISHER WAYLAND COOPER LEADER &  
ZARAGOZA L.L.P.  
2001 Pennsylvania Ave., N.W.  
Suite 400  
Washington, D.C. 20006

Howard M. Weiss  
FLETCHER, HEALD & HILDRETH,  
P.L.C.  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209

Michael J. Shortley, III, Esq.  
Attorney for Frontier Cellular  
Holding, Inc.  
180 South Clinton Avenue  
Rochester, New York 14646

Michael E. Glover, Esq.  
Counsel for Bell Atlantic  
1320 North Court House Road  
Arlington, Virginia 22201

Don Sussman  
Regulatory Analyst  
MCI Telecommunications Corp.  
1801 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

Catherine R. Sloan  
LDDS Communications, Inc.  
1825 Eye Street, N.W.  
Suite 400  
Washington, D.C. 20006

Mark C. Rosenblum  
Robert J. McKee  
Room 3244J1  
295 North Maple Avenue  
Basking Ridge, N.J. 07920

Robert M. Lynch  
Mary W. Marks  
175 E. Houston  
Room 1262  
San Antonio, TX 78205

Albert Halprin  
Melanie Haratunian  
Halprin, Temple & Goodman  
1100 New York Ave., N.W.  
Suite 650, East Tower  
Washington, D.C. 20554

Danny E. Adams  
Steven A. Augustino  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Brian M. Madden  
Nancy A. Ory  
Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006

Daniel L. Brenner  
Neal M. Goldberg  
1724 Massachusetts Ave. N.W.  
Washington, D.C. 20036

Anne E. Mickey  
John W. Butler  
SHER & BLACKWELL  
Suite 612  
2000 L Street, N.W.  
Washington, D.C. 20036

James P. Wagner  
P.O. Box 621  
Cincinnati, Ohio 45201

Gregory P. Jablonski  
President  
The Livingston Radio Company  
P.O. Box 935  
Howell, MI 48844

Marine Association of  
Broadcaster  
P.O. Box P  
128 State Street  
Suite 301  
Augusta, Maine 04332-0631

Robert A. Mansbach  
COMSAT General Corporation  
6560 Rock Spring Drive  
Bethesda, Maryland 20817

Robert A. Mansbach  
COMSAT Video Enterprises, Inc.  
6560 Rock Spring Drive  
Bethesda, Maryland 20817

Richard Dills, President  
Northern Broadcast, Inc.  
2215 Oak Industrial Drive, NE  
Grand Rapids, Michigan 49505

Paul J. Sinderbrand  
Sinderbrand & Alexander  
888 Sixteenth Street, N.W.  
Fifth Floor  
Washington, D.C. 20006-4103

Vincent J. Curtis, Jr.  
FLETCHER, HEALD & HILDRETH,  
P.L.C.  
1300 North 17th Street  
Eleventh Floor  
Rosslyn, Virginia 22209

Charles H. Helein  
Helein & Waysdorf, P.C.  
1850 M Street, N.W.  
Washington, D.C. 20036

Dennis J. Kelly  
CORDON AND KELLY  
Post Office Box 6648  
Annapolis, MD 21401

Albert H. Kramer, Esq.  
KECK, MAHIN & CATE  
1201 New York Avenue, N.W.  
Washington, D.C. 20554

Richard J. Metzger  
Pierson & Tuttle  
1200 19th Street, N.W.  
Suite 607  
Washington, D.C. 20036

Clifford M. Hunter, Pres.  
Broadcast Media Associates  
316 California Ave., Suite 700  
Reno, Nevada 85509

Christopher D. Imlay  
BOOTH, FRERET & IMLAY  
1233 20th Street, N.W.  
Suite 204  
Washington, D.C. 20036

Kenneth H. Maness, Pres.  
Bloomington Broadcasting Corp.  
P.O. Box 8  
Bloomington, Illinois 61701

David M. Hunsaker  
PUTBRESE & HUNSAKER  
6800 Fleetwood Road, Suite 100  
P.O. Box 539  
McLean, Virginia 22101-0539

Henry L. Baumann  
National Association of  
Broadcaster  
1771 N Street, N.W.  
Washington, D.C. 20036

Don R. Chaney, President  
Stellar Communications, Inc.  
Post Office Box 130970  
Tyler, Texas 75713-0970

J. Scott Micholls  
Senior Manager of Regulatory  
Affairs  
ALLNET Communication Services  
1990 M Street, N.W., Suite 500  
Washington, D.C. 20036

J.D. Hersey  
2100 Second Street, S.W.  
Washington, D.C. 20593-0001

Gene P. Belardi  
MobileMedia Communications,  
Inc.  
2101 Wilson Boulevard  
Suite 935  
Arlington, Virginia 22201

Randolph J. May  
Timothy J. Cooney  
SUTHERLAND, ASBILL & BRENNAN  
1275 Pennsylvania Ave., N.W.  
Washington, D.C. 20004

Jonathan E. Canis  
Kathy L. Cooper  
SWIDLER & BERLIN, Chartered  
3000 K Street, N.W.  
Suite 300  
Washington, D.C. 20007

Joanne Salvatore Bochis  
National Exchange Carrier  
Association, Inc.  
100 South Jefferson Road  
Whippany, New Jersey 07981

Stephen R. Effros  
The Cable Telecommunications  
Association  
3950 Chain Bridge Road  
P.O. Box 1005  
Fairfax, Virginia 22030-1005

Mark J. Golden  
Personal Communications  
Industry Association  
1019 Nineteenth Street  
Suite 1100  
Washington, D.C. 20036

Lawrence N. Cohn  
Cohn and Marks  
1333 New Hampshire Ave., N.W.  
Suite 600  
Washington, D.C. 20036

Raul R. Rodriguez  
Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006